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7 || Counsel for Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

11 GUILLEMOS ALEXANDRO) Case No. 08cv0255-LAB (AJB)
12 RODRIGUEZ,)
13 Plaintiff,)
14 v.)
15 MICHAEL CHERTOFF, Secretary,) JOINT MOTION TO REMA
16 Department of Homeland Security; et al.,) CITIZENSHIP & IMMIGRATION
17 Defendants.) FOR ADJUDICATION

18 COME NOW THE PARTIES, Plaintiff Guillermo Alejandro Rodriguez, by and through his
19 counsel Robert A. Mautino, and Defendants Michael Chertoff, Secretary of the Department of Homeland
20 Security, et al., by and through their counsel, Karen P. Hewitt, United States Attorney, and Megan
21 Callan, Assistant United States Attorney, and hereby jointly move the Court to remand this cause of
22 action to the United States Citizenship and Immigration Service (“USCIS”).

23 The parties are working toward an extrajudicial resolution of Plaintiff's complaint. The Federal
24 Bureau of Investigation ("FBI") has informed Plaintiff that it has completed its background checks
25 related to Plaintiff's application for naturalization; as such Plaintiff's claims against the FBI are moot.
26 Defendants have represented to Plaintiff that his application should be adjudicated by USCIS within 60
27 days of the remand order.

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1 Accordingly, the parties now jointly request that the cause of action be remanded to USCIS in
2 order that the agency may adjudicate Plaintiff's application in the first instance. In the event that
3 Plaintiff's application is not adjudicated by the agency within 60 days of the date of this Court's remand
4 order, Defendants do not object to Plaintiff being granted 60 days leave to amend the complaint.

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6 | Dated: April 8, 2008

s/ Robert A. Mautino
Counsel for Plaintiff
E-Mail: bob@mautino.org

8 Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures
9 of the United States District Court for the Southern District of California, I certify that the content of this
10 document is acceptable to counsel for the Plaintiff and that I have obtained authorization from Robert
11 A. Mautino to affix his electronic signature to this document.

12

13 | Dated: April 8, 2008

Respectfully Submitted,

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KAREN P. HEWITT
United States Attorney

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s/Megan Callan

MEGAN CALLAN
Assistant U.S. Attorney
Counsel for Defendants
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

12 GUILLEMOT, ALEXANDRO) Case No. 07cv1710-JM (AJB)
13 RODRIGUEZ,)
14 Plaintiff,) CERTIFICATE OF SERVICE
15 v.)
16 MICHAEL CHERTOFF, Secretary,)
17 Department of Homeland Security; et al.,)
18 Defendants.)

18 IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 880 Front Street, Room 6293, San Diego, California 92101-8893.

21 I am not a party to the above-entitled action. I have caused service of: JOINT MOTION TO
22 REMAND TO USCIS FOR ADJUDICATION on the following party by electronically filing the
foregoing with the Clerk of the District Court using its ECF System, which electronically provides notice.

23 Robert A. Mautino
24 Counsel for Plaintiff
bob@mautino.org

25 I declare under penalty of perjury that the foregoing is true and correct.

26 || Executed on April 8, 2008.

27 s/ Megan Callan
Megan Callan